

# EPA Region III

Office of Public Affairs

## EARLY BIRD HEADLINES

Tuesday, May 15, 2012

### \*\*\* MORNING HOT LIST \*\*\*

#### Potomac River threatened by pollution, Congress, new report says

**WASHINGTON POST** A new report named the Potomac the nation's most endangered river, saying it is threatened by nutrient and sediment pollution that lowers the quality of drinking water and kills marine life and will only get worse if Congress rolls back regulations in the Clean Water Act. "America's Most Endangered Rivers," the annual report from the nonprofit advocacy group American Rivers, is to be released early Tuesday. It notes what local friends of the Potomac have said for years: that urban development is funneling tons of polluted rainwater to the river, that chemical fertilizer and manure from farms make matters worse, and that wastewater overflowing from sewers, along with pharmaceuticals flushed down toilets, contribute to dead zones in which marine life dies and might cause fish to switch sexes. Some male fish in the river mysteriously have eggs. Just as troubling, said American Rivers President Bob Irvin, is a range of proposals by House Republicans to strike various provisions from the Clean Water Act as it nears its 40th anniversary in October. The Senate has blocked many of these efforts, but advocates worry about future attempts. If Congress ends regulations that help clean the Potomac's head-waters and limit pesticide use by municipalities and farms, "not only will the Potomac River suffer tremendous harm but other streams and rivers as well," Irvin said. The report placed the Potomac atop nine other rivers nationwide, including the Green River, the largest feeder to the Colorado River, the Chattahoochee River, which runs by Atlanta, and the Missouri River, which flooded the Midwest last year.

#### Sick From Fracking? Doctors, Patients Seek Answers

**NATIONAL PUBLIC RADIO** (Kay Allen had just started work, and everything seemed quiet at the Cornerstone Care community health clinic in Burgettstown, Pa. But things didn't stay quiet for long. "All the girls, they were yelling at me in the back, 'You gotta come out here quick. You gotta come out here quick,'" said Allen, 59, a nurse from Weirton, W.Va. Allen rushed out front and knew right away what all the yelling was about. The whole place reeked — like someone had spilled a giant bottle of nail polisher remover. "So I told everybody to get outside and get fresh air. So we went outside. And Aggie said, 'Kay, I'm gonna be sick.' But before I get in, to get something for her to throw up in — she had to go over the railing," she said. Nothing like this had ever happened in the 20 years that Allen has been at the clinic. After about 45 minutes, she thought the coast was clear and took everyone back inside. "It was fine. But the next thing you know, they're calling me again. There was another gust. Well, the one girl, Miranda, she was sitting at the registration place, and you could tell she'd had too much of it. And Miranda got overcome by that and she passed out," she said.

#### Has the Dust Settled on Carter Road?

**WBNG-TV BINGHAMTON, NY** (Video link) Dimock, PA (WBNG Binghamton) Years of claims over unsafe water are now challenged by test results. While residents in the Carter Road area of Dimock maintain that natural gas drilling tainted their wells, science is on the side of the gas company. The completion of water tests by the highest environmental agency in the land does not mean the dust has settled on Carter Road. "It leaves a very bad taste in my mouth," said Victoria Switzer, and that's not Dimock water." The Environmental Protection Agency says it is safe to drink. Cabot Oil & Gas, accused with a connection to contamination by neighbors, never admitted fault, and is

pleased with the results. "Not only do they have our hard data, but they have the data collected in the field showing them that there is no imminent threat," said George Stark, spokesman for Cabot Oil & Gas. While these neighbors and the gas company may disagree on the EPA's conclusions, they hope the air in the community clears. "We want to live here," Switzer said. "We know that the gas industry is here to stay. We want to find a way to reach out to our neighbors. We probably have more in common than we don't." For the Carter Road residents who went through water deliveries, pipeline proposals, and three years of claims, "we're never going to stop asking them to do it safely," according to Switzer. "We're never going to stop saying there should be accountability for when mistakes are made. That's all we ask for from the gas industry." Switzer and others question the EPA results with other testing they have done. "It doesn't explain the high levels of sodium, it doesn't explain some of the items that we're seeing, in fact, I have more questions now than I did before EPA came out here." For Cabot, it believes one question is answered: "not only for this community but for the bigger region, does Marcellus Shale drilling unto itself cause a problem? I think what you're seeing is there's a determination and the understanding that it is not," Stark said. Litigation among several neighbors against Cabot Oil and Gas continues. Switzer hopes all sets of test results, from public and private surveyors, are introduced for a judge and jury to clear up.

## **EPA to appeal court decision on Spruce Mine**

**CHARLESTON GAZETTE** CHARLESTON, W.Va. -- The Obama administration has filed court papers indicating it plans to appeal a judge's ruling that overturned the U.S. Environmental Protection Agency's veto of the largest mountaintop removal mining permit in West Virginia history. Late Friday, Department of Justice lawyers filed a short notice that EPA would challenge a late March decision that threw out EPA's veto of the Clean Water Act permit for Arch Coal Inc.'s Spruce No. 1 Mine in Logan County. The appeal goes to the U.S. Court of Appeals for the District of Columbia. U.S. District Judge Amy Berman Jackson had ruled that EPA is not authorized to withdraw a Clean Water Act "dredge-and-fill" permit that was already issued by the federal Army Corps of Engineers. Environmental groups have been trying to stop the Spruce Mine since 1998, when it was first proposed as a 3,113-acre extension of Arch's Dal-Tex Mine that would have buried more than 10 miles of streams. At issue now is the permit, approved by the corps in January 2007, for a scaled-back version, a 2,300-acre operation that would bury more than seven miles of streams. The mine eventually would employ 250 workers and mine about 44 million tons of coal over about 15 years. In January 2011, EPA vetoed the permit, citing "destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and the clean water on which they depend." A report prepared for EPA by a mining engineering firm found Arch could have reduced environmental impacts without significantly increasing mining costs.

## **EPA Appeals Coal Mine Ruling**

**NEW YORK TIMES** The Obama administration said Monday that it would appeal a federal judge's ruling that the Environmental Protection Agency illegally vetoed a major coal mining project in West Virginia. In a scathing decision in March, the United States District Court judge, Amy Berman Jackson, wrote that the E.P.A.'s unilateral decision in January 2011 to retroactively revoke the waste disposal permit for the Spruce No. 1 mine in Logan County, W.Va., overstepped the agency's authority. Her ruling paved the way for the mountaintop removal mining project covering 2,278 acres to go forward. E.P.A. officials indicated at the time they intended to contest the decision. A Justice Department spokesman said Monday that the government had filed a notice of appeal on Friday with the court but that he would have no further comment on the case. Judge Jackson said that the E.P.A.'s action in rescinding the permit was "a stunning power for an agency to arrogate to itself" that the law did not support. She said that the agency had resorted to "magical thinking" to justify its action. In taking the rare step of revoking the permit, granted in 2007 by the Bush administration, the E.P.A. said that the coal mining would do permanent damage to rivers, wildlife and communities. The project, owned by Arch Coal of St. Louis, would have buried 6.6 miles of streams under tons of mining waste. The agency said it was invoking its authority under the Clean Water Act to rescind the mine's permit from the Army Corps of Engineers, an action it had taken only twice in 40 years and never for a coal mine.

## **Potomac, Coal named among America's Most Endangered Rivers**

**WEST VIRGINIA STATE JOURNAL** The Potomac River and Coal River have been named

among the nation's top 10 most endangered rivers by American Rivers. "This year's Most Endangered Rivers list underscores how important clean water is to our drinking water, health and economy," said Bob Irvin, president of American Rivers said on releasing America's Most Endangered Rivers 2012 on May 15. The nonprofit American Rivers has publicized lists of most endangered rivers each year since 1986. Rivers are chosen based on upcoming decisions that will affect the their fates, according to the organization. In 2012, the Potomac River is considered the most endangered river in the country, threatened by urban and agricultural pollution. Its headwaters lie, in part, in West Virginia. As the 40th anniversary of the Clean Water Act is celebrated this year, the Potomac — "the nation's river" — is threatened by federal legislation that would weaken the Clean Water Act, the organization said. Congress also needs to fund the Environmental Protection Agency to implement the Chesapeake Bay clean-up plan; the Potomac is the bay's second-largest tributary. The Coal River, a tributary of the Kanawha River, appears as No. 9 in the report. The 88-mile-long Coal River is West Virginia's second-longest river, according to American Rivers. It is prized for fishing, canoeing and kayaking, and the river appears on the National Register of Historic Places.

## **Maryland senators criticize septic regulation proposal by O'Malley administration**

**ASSOCIATED PRESS** ANNAPOLIS, Md. — Maryland senators on Monday criticized regulations proposed by the Maryland Department of the Environment last month that would require the use of best available technology for nitrogen removal septic systems in new construction on land draining to the Chesapeake Bay or Atlantic Coastal Bays watershed. The matter came up during debate during a special session that has been called to address budget matters. sen. David Brinkley, R-Frederick, proposed an amendment to require legislative approval of the regulations. The proposal could have been taken up while lawmakers were debating septic legislation during the regular 90-day session that ended last month, he said. Instead, the department announced the regulations April 27, nearly two weeks after lawmakers adjourned. "They deliberately want to bypass any supervision here," Brinkley said. The proposed regulations irked senators, because the Senate rejected a similar proposal two years ago. Brinkley's amendment failed 16-29. However, Senate President Thomas V. Mike Miller described the proposed regulations as "disrespectful to the Senate." Miller said he didn't believe the majority of senators believed the matter should be addressed in budget legislation. Still, the Senate president said the proposed regulations will be taken up before a legislative committee assigned to review regulations or in January, when lawmakers convene for their next regular legislative session.

## **Domino sugar plant settles pollution lawsuit**

**BALTIMORE SUN** The owner of the Domino sugar refinery in the Inner Harbor has agreed to pay a \$200,000 civil penalty and install pollution controls to settle a federal lawsuit accusing the plant of violating the Clean Air Act. The lawsuit, filed in U.S. District Court in Baltimore on behalf of the Environmental Protection Agency, alleged that the refinery at 1100 Key Highway ran its five boilers in a way that exceeded its air pollution permit limits. Under a consent decree filed Thursday, American Sugar Refining Inc. denied the allegations but agreed to put pollution controls on all five of its boilers over the next year. It also agreed to install emission monitors and to limit the refinery's release of nitrogen oxides to no more than 6 tons in any month and no more than 62 tons a year. Nitrogen oxides from vehicle exhaust, power plants and industries blend with other pollutants to form ozone, or smog, in the Baltimore area's air. Ozone reaches unhealthful levels in the region's air multiple times every spring and summer, and Maryland is under orders from the EPA to reduce those ozone levels. Nitrogen oxides also add to the Chesapeake Bay's nutrient pollution woes when they fall out of the air.

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# **PENNSYLVANIA**

## **PITTSBURGH POST-GAZETTE**

Post-Gazette wins 13 Golden Quills The Pittsburgh Post-Gazette won 13 Golden Quill awards in the annual competition sponsored by the Press Club of Western Pennsylvania. The Golden Quills recognize journalistic excellence

among the region's news and broadcast organizations and periodical publications. The PG nearly doubled the awards won by its chief competitor in the large-newspaper category, the Pittsburgh Tribune Review, which won seven Quills. "Pipeline," the PG's nationally recognized website that covers all matters pertaining to the Marcellus Shale drilling phenomenon, won a Quill for the best website among daily newspapers and wire services.

Chesapeake to slow land acquisition, focus on oil and gas-liquids drilling Chesapeake Energy may be focusing on drilling in the Marcellus and Utica shales after company executives told investors this morning they plan to focus on oil- and liquids-rich holdings and slow their rapid-fire land acquisitions. In the latest conference call hoping to calm skittish investors and share prices, Chesapeake chief executive officer Aubrey McClendon said his firm will temper land grabs and focus on shale acreage like that in Appalachia that comes loaded with lucrative natural-gas liquids and oil. Mr. McClendon is under pressure from investors who say his company is borrowing and leveraging assets at an unsustainable rate. The nation's second-largest natural-gas producer, Chesapeake has a reputation for aggressively acquiring land in nearly every North American shale play. The company became the dominant driller of the Marcellus Shale through a series of land swaps and flips. In recent weeks, the company has come under fire after it was reported that Mr. McClendon and his firm had taken out billions of dollars in loans to help finance operations. Chesapeake disclosed Friday that it had received a \$3 billion loan from Goldman Sachs and the Jefferies Group. "Believe me, Chesapeake's management team is very, very focused on getting these funding gap issues behind us once and for all and as early as possible," McClendon said.

## **GETTYSBURG TIMES**

Marsh/Rock creeks - a critical water resource area If you know anything about water issues in Adams County you know that we live in a county where all water is flowing out. If you don't know anything, you still know that every summer we see droughts and water shortages. Adams County water goes clear down to the Chesapeake Bay by way of the Susquehanna River Watershed and the Potomac River Watershed. The Conewago Creek is the largest creek from Adams County that feeds into the Susquehanna. Western Adams County feeds mainly into the Monocacy River and from Marsh Creek and Rock Creek, these eventually drain into the Potomac River. With over 1,000 miles in streams, almost every stream in Adams County begins here and flows out to the Chesapeake Bay.

## **ERIE TIMES-NEWS**

Shale drilling will play a role in Erie-area economy The state Department of Environmental Protection's most recent report on gas well permits suggests that the shale drilling boom has yet to arrive in our corner of Pennsylvania. So far, no shale wells have been drilled or permitted in Erie or Crawford counties. It's only a matter of time before that changes, said Kathryn Klaber, president of the Marcellus Shale Coalition, an industry group with more than 300 members. "There is no reason why the birthplace of the oil and gas industry won't play a major role," Klaber said Monday morning during a break from a seminar at Penn State Behrend, sponsored by the coalition, the Northwest Industrial Resource Commission and the Pennsylvania Department of Community and Economic Development. That's more than just wishful thinking by drilling advocates. Erie County residents sit atop two major gas-producing rock formations, the Marcellus Shale and the deeper Utica Shale. In this region, gas reserves within the Utica Shale are thought to be more plentiful. Klaber said the fact that the drilling started in other parts of Pennsylvania doesn't mean that activity won't expand. Gas demand and prices, which are low, will likely determine the timetable for when shale drilling does begin here, she said. That's already happening in other parts of northwestern Pennsylvania. Through Sunday, 74 shale wells had been permitted in Clarion County, 179 in Elk County and 211 in Potter County, according to DEP. But the financial effects of the shale gas already are being felt here, Klaber said. Ask Karen Thomas, vice president of human resources for Warren-based Pennsylvania General Energy. She said her company has recently added 70 employees, including technicians, engineers and environmental specialists. "I see that number increasing," she said

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## **WASHINGTON, D.C.**

## **WASHINGTON POST**

Potomac River threatened by pollution, Congress, new report says A new report named the Potomac the nation's most

endangered river, saying it is threatened by nutrient and sediment pollution that lowers the quality of drinking water and kills marine life and will only get worse if Congress rolls back regulations in the Clean Water Act. "America's Most Endangered Rivers," the annual report from the nonprofit advocacy group American Rivers, is to be released early Tuesday. It notes what local friends of the Potomac have said for years: that urban development is funneling tons of polluted rainwater to the river, that chemical fertilizer and manure from farms make matters worse, and that wastewater overflowing from sewers, along with pharmaceuticals flushed down toilets, contribute to dead zones in which marine life dies and might cause fish to switch sexes. Some male fish in the river mysteriously have eggs. Just as troubling, said American Rivers President Bob Irvin, is a range of proposals by House Republicans to strike various provisions from the Clean Water Act as it nears its 40th anniversary in October. The Senate has blocked many of these efforts, but advocates worry about future attempts. If Congress ends regulations that help clean the Potomac's head-waters and limit pesticide use by municipalities and farms, "not only will the Potomac River suffer tremendous harm but other streams and rivers as well," Irvin said. The report placed the Potomac atop nine other rivers nationwide, including the Green River, the largest feeder to the Colorado River, the Chattahoochee River, which runs by Atlanta, and the Missouri River, which flooded the Midwest last year.

### **WTOP RADIO**

Potomac River named most endangered WASHINGTON - The Potomac River isn't the pollution cesspool of the 1960s and 1970s that many remember, but a nonprofit advocacy group ranks the "nation's river" as the most endangered. American Rivers released its annual ranking of the 10 most troubled rivers on Tuesday. Today, the river many in the region use for boating, fishing and swimming -- and the river that's the source of drinking water for 5 million people in the D.C. region -- is threatened by urban and agricultural pollution, the advocacy group says. American Rivers says the Potomac River's problems will only get worse if national clean water protections are rolled back by Congress. "This year's Most Endangered Rivers list underscores how important clean water is to our drinking water, health and economy," Bob Irvin, president of American Rivers, says in a news release. The report cites urban sprawl and agricultural runoff as problems that could get worse for the 382-mile-long Potomac, one of the largest rivers feeding into the Chesapeake Bay, the nation's largest estuary. The pollution sources named in the report are the same ones Chesapeake Bay scientists have been studying for decades. They create dead zones in waterways, which kill sea grasses, crabs and fish. Nutrient and pollution problems in the Potomac River and other Chesapeake Bay tributaries contribute to problems in the bay. Last year, American Rivers ranked the Susquehanna River, another large Chesapeake Bay tributary, as the most endangered. "The sources (of pollution) are basically related to human activities on the land, such as paving over surfaces and farming," Don Boesch, president of the University of Maryland Center for Environmental Science, tells WTOP.

### **WASHINGTON EXAMINER**

Report: Potomac is nation's most endangered river A new report has named the Potomac River the nation's most endangered river as legislation pending in Congress threatens to loosen environmental protections to the waterway in the heart of the nation's capital. According to conservationists, several pieces of legislation are pending in Congress that could lessen the impact of the Clean Water Act on its 40th anniversary after it was enacted, partly in response to the poor state of the Potomac River. The report by American Rivers called the Potomac "emblematic" of the problems several major rivers in the United States face if federal lawmakers limit protections for the tributaries to these rivers. "It's those small tributaries that are endangered if the protections are removed," said Hedrick Belin, president of the Potomac Conservancy. "Once the federal protections are gone, then it becomes really difficult [to protect shorelines] because you're relying on a patchwork of regulations [between jurisdictions]." While the river's health has improved since President Johnson in 1966 called it a national disgrace, it still received a D last year from the University of Maryland's water quality report card. Meanwhile, scientists have been researching for years why so many male smallmouth bass in the Potomac basin have immature female egg cells in their testes, making them a kind of intersex fish.\_

### **ASSOCIATED PRESS**

Mid-Atlantic wind transmission line clears hurdle WASHINGTON (AP) — A huge power transmission line for wind farms planned off the East Coast has cleared a regulatory hurdle, although construction is still years away..

# DELAWARE

## **DELAWARE CAPE GAZETTE**

Additional financial aid offered for poultry manure relocation Delaware farmers can soon receive more assistance to move excess poultry manure off their farms to land that can benefit from the addition of manure or to alternative uses, reducing nutrient loading in certain areas and helping improve water quality in the Chesapeake Bay watershed. The Delaware Nutrient Management Commission recently voted unanimously to increase the cost-share funding for manure transport, which helps support the cost of moving manure from their farms to areas or projects that can use it, thus reducing nutrient loading in certain areas. "This is great news for farmers and the environment, allowing Delaware to move more manure out of sensitive areas," said Secretary of Agriculture Ed Kee, an ex officio member of the commission. "The additional reimbursement will especially be of help to farmers dealing with the rising cost of fuel." The decision to raise the funding level was possible thanks, in part, to \$600,000 in funding for relocation work from the U.S. Environmental Protection Agency, via the Delaware Department of Natural Resources and Environmental Control, and a continuing reduction in the volume of poultry manure being moved through the program. The funding must be used over a four-year period, by 2016. "The environment gets a big boost through this, and farmers find it more attractive to move their manure out of nutrient-rich areas," said Delaware Nutrient Management Program Administrator Larry Towle. "Moving this high-phosphorous manure from areas where there's an excess into areas where it can be used spreads out the impact on waterways and the Chesapeake Bay." Towle said the volume of manure transport being supported by the program has gradually been decreasing because of changes in farm management practices and farmers arranging independent farm-to-farm transport.

Working group to study water taxi plan Rehoboth Beach — A working group will review plans for a water taxi on the Lewes-Rehoboth Canal. The Rehoboth Beach commissioners agreed the working group would include members of the commission and the Lewes Rehoboth Canal Improvement Association, which has been spearheading the project. While most commissioners voiced support for a water taxi – no one spoke out against it – several commissioners raised concerns about logistical details. Commissioner Stan Mills said costs and maintaining the dock should be reviewed. Commissioner Patrick Gossett said the project requires a comprehensive look at the long-term impact. "It will be a viable link for Rehoboth to increase our popularity, but we have to know how to manage it," he said. "It's an idea that's ripe, but it needs further information and further development. But we need to pursue it." Mayor Sam Cooper said his concern is parking. Cooper said there is no data in the association's feasibility study for a water taxi about the resulting demand for parking. He said the association's decision to move forward with a design is "awfully premature." "The bigger the success of this project, the more problems it's going to create. And if we don't investigate those problems upfront, if we think it's going to be successful, then we're going to be sorely disappointed in what we create," he said.

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# WEST VIRGINIA

## **CHARLESTON GAZETTE**

EPA to appeal court decision on Spruce Mine CHARLESTON, W.Va. -- The Obama administration has filed court papers indicating it plans to appeal a judge's ruling that overturned the U.S. Environmental Protection Agency's veto of the largest mountaintop removal mining permit in West Virginia history. Late Friday, Department of Justice lawyers filed a short notice that EPA would challenge a late March decision that threw out EPA's veto of the Clean Water Act permit for Arch Coal Inc.'s Spruce No. 1 Mine in Logan County. The appeal goes to the U.S. Court of Appeals for the District of Columbia. U.S. District Judge Amy Berman Jackson had ruled that EPA is not authorized to withdraw a Clean Water Act "dredge-and-fill" permit that was already issued by the federal Army Corps of Engineers.

Environmental groups have been trying to stop the Spruce Mine since 1998, when it was first proposed as a 3,113-acre extension of Arch's Dal-Tex Mine that would have buried more than 10 miles of streams. At issue now is the permit, approved by the corps in January 2007, for a scaled-back version, a 2,300-acre operation that would bury more than seven miles of streams. The mine eventually would employ 250 workers and mine about 44 million tons of coal over about 15 years. In January 2011, EPA vetoed the permit, citing "destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and the clean water on which they depend." A report prepared for

EPA by a mining engineering firm found Arch could have reduced environmental impacts without significantly increasing mining costs.

### **WEST VIRGINIA STATE JOURNAL**

Potomac, Coal named among America's Most Endangered Rivers The Potomac River and Coal River have been named among the nation's top 10 most endangered rivers by American Rivers. "This year's Most Endangered Rivers list underscores how important clean water is to our drinking water, health and economy," said Bob Irvin, president of American Rivers said on releasing America's Most Endangered Rivers 2012 on May 15. The nonprofit American Rivers has publicized lists of most endangered rivers each year since 1986. Rivers are chosen based on upcoming decisions that will affect the their fates, according to the organization. In 2012, the Potomac River is considered the most endangered river in the country, threatened by urban and agricultural pollution. Its headwaters lie, in part, in West Virginia. As the 40th anniversary of the Clean Water Act is celebrated this year, the Potomac — "the nation's river" — is threatened by federal legislation that would weaken the Clean Water Act, the organization said. Congress also needs to fund the Environmental Protection Agency to implement the Chesapeake Bay clean-up plan; the Potomac is the bay's second-largest tributary. The Coal River, a tributary of the Kanawha River, appears as No. 9 in the report. The 88-mile-long Coal River is West Virginia's second-longest river, according to American Rivers. It is prized for fishing, canoeing and kayaking, and the river appears on the National Register of Historic Places.

### **BECKLEY REGISTER HERALD**

Two W. Va. rivers on endangered list Two rivers in West Virginia are among the 10 most endangered in the country, according to a report by American Rivers, a Washington D.C.-based organization working to protect and restore the nation's rivers and streams.

The Potomac River, whose headwaters reside in West Virginia, is first on American's Most Endangered Rivers of 2012 list and southern West Virginia's Coal River is ranked ninth.

According to the report, the Potomac River has become much cleaner since the Clean Water Act of 1972 but it is still threatened by agricultural and urban pollution as well as the possibility of Congress considering cuts the nation's clean water protection. Currently the Potomac provides drinking water for more than five million people. "This year's Most Endangered Rivers list underscores how important clean water is to our drinking water, health, and economy," said Bob Irvin, President of American Rivers. "If Congress slashes clean water protections, more Americans will get sick and communities and businesses will suffer. We simply cannot afford to go back to a time when the Potomac and rivers nationwide were too polluted and dangerous to use." Like the Potomac, the Coal River provides drinking water for local communities and supports fish and wildlife. The report finds that mountaintop removal mining poses a threat to the Coal River and the health of the surrounding communities. According to the report, some of Appalachia's largest strip mines are in the Coal River basin. About 20 percent of the Coal River's watershed is permitted for coal mining and one-third of that has already been mined. Matthew Louis-Rosenberg of Coal River Mountain Watch called the contamination a "public health crisis" and elevated rates of cancer, birth defects and other illnesses exist in areas with extensive mountaintop removal mining.

### **ASSOCIATED PRESS (W. Va.)**

Coal, Potomac rivers on list of most endangered CHARLESTON, W.Va. -- Two West Virginia rivers are now listed among the nation's 10 most endangered. At No. 1 on American Rivers' annual list is the Potomac. It provides drinking water for more than 5 million people and recreational opportunities for countless more in Maryland, Virginia, Pennsylvania, West Virginia and Washington, D.C. The group says it's threatened by both urban and agricultural pollution. At No. 9 is southern West Virginia's Coal River. The preservation group says it's threatened by mountaintop removal mining and the valley fills that bury headwater streams. About 20 percent of the watershed is permitted for mining, and one-third of that has already been mined. The Coal River has made the list twice before, in 1999 and 2000.

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## MARYLAND

### **BALTIMORE SUN**

Domino sugar plant settles pollution lawsuit The owner of the Domino sugar refinery in the Inner Harbor has agreed to pay a \$200,000 civil penalty and install pollution controls to settle a federal lawsuit accusing the plant of violating the Clean Air Act. The lawsuit, filed in U.S. District Court in Baltimore on behalf of the Environmental Protection Agency, alleged that the refinery at 1100 Key Highway ran its five boilers in a way that exceeded its air pollution permit limits. Under a consent decree filed Thursday, American Sugar Refining Inc. denied the allegations but agreed to put pollution controls on all five of its boilers over the next year. It also agreed to install emission monitors and to limit the refinery's release of nitrogen oxides to no more than 6 tons in any month and no more than 62 tons a year. Nitrogen oxides from vehicle exhaust, power plants and industries blend with other pollutants to form ozone, or smog, in the Baltimore area's air. Ozone reaches unhealthy levels in the region's air multiple times every spring and summer, and Maryland is under orders from the EPA to reduce those ozone levels. Nitrogen oxides also add to the Chesapeake Bay's nutrient pollution woes when they fall out of the air.

Potomac named America's most endangered river The Potomac River, which flows between Maryland and Virginia, was named the nation's "most endangered" waterway today by a Washington-based environmental group. American Rivers put the Potomac atop its annual list of endangered rivers. Though cleaner than it used to be, the "nation's river," so named because it flows through Washington, D.C., still faces threats from urban and agricultural pollution, the group says, and from cutbacks being pushed in Congress of federal environmental regulations. Before Congress passed the Clean Water Act in 1972, the Potomac was fouled by untreated sewage and industrial pollution. The law prompted sewage plant upgrades and controls on industrial discharges on the Potomac and other rivers nationwide. But the University of Maryland report card on the Chesapeake Bay's health has given the Potomac a "D" for its water quality the past two years. "The Clean Water Act is the reason the Potomac River is no longer called a 'national disgrace.'" Ed Merrifield, president of Potomac Riverkeeper, said in a statement. "Most of the palpable problems are gone; however, there are many emerging threats that can't be seen. Residents of the Washington D.C. metro area— including the President and Congress— need to realize they are composed mostly of Potomac river water and they need to protect and enforce the laws that safeguard their health."

Gansler eyeing lawsuit over menhaden catch limits AG says MD may sue if fisheries panel doesn't curb Omega's harvest enough. Maryland Attorney General Douglas F. Gansler says he's considering going to court if the interstate panel that regulates Atlantic coast fishing for menhaden doesn't cut back enough the catch of a Virginia-based fleet that takes the lion's share of the forage fish..

## **ABC-TV BALTIMORE**

Chesapeake Bay Foundation offers hands on learning for students (Video link) BALTIMORE, Md. - It's an exciting day for the Green School of Baltimore Public Charter School students. A work boat called the Snow Goose with the Chesapeake Bay Foundation is their classroom. It's part of the Baltimore Harbor Program to educate students on the environment and the Bay. "I think it's really fun. It's going to be really interesting because on this trip we are going to be putting our oysters on oyster reefs," said Sade Johnson, fourth grader. The fourth grade students raised baby oysters and planted them out on the oyster sanctuary reef around Fort Carroll, where they will serve as filters and habitat near the mouth of the Patapsco River. "Oysters are not doing well in the Bay right now, but with efforts like what the students are doing, we can turn them around," said Jocelyn Tuttle, Environmental Field Educator with the Chesapeake Bay Foundation. Teachers love the partnership with the Chesapeake Bay Foundation, which gives their students a chance to help reverse the Bays decline. "They need to get out and see what we are talking about instead of staying in the classroom all the time. We find these shared experiences in our school and in the Chesapeake Bay Foundation helps build a sense of community with the kids. These are things you cannot learn in a book," said Diana Weller, Environmental Science Teacher. The Chesapeake Bay Foundation educates students in the fourth grade to college level and teachers as well. It provides inner city youth with the opportunity to explore their urban environment in a different way. Educators want students to realize the Bay is resilient and they can do something to help it become a healthy balanced system again.

## **FREDERICK NEWS-POST**

Potomac named most endangered river American Rivers, a nonprofit environmental group headquartered in Washington, annually releases a list of the nation's top 10 at-risk rivers. The 2012 list, released today, says agricultural



and urban factors are contributing to the Potomac's pollution. Hedrick Belin, president of the Potomac Conservancy, noted that the federal Clean Water Act of 1972 has helped the river come a long way in the last 40 years. "But now is really not the time to turn our backs," he said. "Now is (the) time to finish the job." The Potomac runs through several states -- including Virginia and Maryland before emptying into Chesapeake Bay. "Cross-state leadership through the federal government is important," Belin said. But Maryland has made some strides on its own. In the most recent legislative session, elected officials voted to double the state's "flush tax," a \$30 annual fee that was on sewer bills that funds bay restoration. Legislators also made it so some of Maryland's jurisdictions, including Frederick County, will have to enact a "stormwater utility fee" to fund stormwater pollution reduction, Belin said. But he still encourages individuals to write to their federal representatives. "Ask them not to eliminate clean water protection and funding at a federal level," he said. People can also help the cause through everyday actions, such as picking up after their pets, washing their cars at a car wash instead of in their driveways and not overfertilizing their lawns and gardens, he said. Since agricultural runoff is another pollution factor, Belin said farmers should observe best practices for preventing tributary contamination. William Morrow, an Emmitsburg farmer and member of Future Harvest -- Chesapeake Alliance for Sustainable Agriculture, said those in the agriculture industry need to take responsibility for their role in the pollution of bay tributaries. "How many species do we have to lose in the bay before we admit that there's a problem and we need to do something about it?" he asked. According to Morrow, manure runoff "is the top source of pollution to the bay right now." He thinks his most important piece of advice to fellow farmers -- "having an adequate buffer zone around a farm" -- is a simple one.

### **EASTON STAR DEMOCRAT**

Aquaculture workshop draws local watermen, area environmentalists QUEENSTOWN An Oyster Industry Aquaculture and Financing Workshop was held at the University of Maryland's Wye Research and Education Center on May 2 to provide information to interested parties on how to get involved in aquaculture. The event was sponsored by the Upper Shore Regional Council, University of Maryland Extension, and the Maryland Department of Business and Economic Development. Discussions covered the various recent changes in leasing laws, available aquaculture support programs, information on selecting proper sites for aquaculture, and financing of aquaculture projects. Among the 25 people attending were several watermen and representatives of the Chester River Association, Midshore Riverkeeper Conservancy, the Corsica River Conservancy, Washington College's Center for the Environment and Society, and the sponsoring agencies.

### **ASSOCIATED PRESS (Md.)**

Bay meeting to focus on environment, human health BALTIMORE (AP) - Environmental problems in the Chesapeake Bay and how they can affect human health are the subject of a two-day conference in Baltimore. The conference begins Monday at the Institute of Marine and Environmental Technology in Baltimore's Inner Harbor. Scientists from the University System of Maryland and policy makers from state and federal agencies will discuss environmental issues related to human health including harmful algal blooms and toxic substances in bay waters. Attorney General Doug Gansler, Rep. Elijah Cummings and Don Boesch, president of the University of Maryland Center for Environmental Science are among those scheduled to speak at the conference.

Maryland senators criticize septic regulation proposal by O'Malley administration ANNAPOLIS, Md. — Maryland senators on Monday criticized regulations proposed by the Maryland Department of the Environment last month that would require the use of best available technology for nitrogen removal septic systems in new construction on land draining to the Chesapeake Bay or Atlantic Coastal Bays watershed. The matter came up during debate during a special session that has been called to address budget matters. Sen. David Brinkley, R-Frederick, proposed an amendment to require legislative approval of the regulations. The proposal could have been taken up while lawmakers were debating septic legislation during the regular 90-day session that ended last month, he said. Instead, the department announced the regulations April 27, nearly two weeks after lawmakers adjourned. "They deliberately want to bypass any supervision here," Brinkley said. The proposed regulations irked senators, because the Senate rejected a similar proposal two years ago. Brinkley's amendment failed 16-29. However, Senate President Thomas V. Mike Miller described the proposed regulations as "disrespectful to the Senate." Miller said he didn't believe the majority of senators believed the matter should be addressed in budget legislation. Still, the Senate president said the proposed regulations will be taken up before a legislative committee assigned to review regulations or in January, when lawmakers convene for their next regular legislative session.

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# VIRGINIA

## **NORFOLK VIRGINIAN-PILOT**

Public invited to hear uranium-mining study results People interested in proposals to lift a 30-year moratorium on uranium mining in Virginia will have a chance later this month to hear more in person. On May 31 at the Hilton Virginia Beach Oceanfront hotel, researchers from the National Academy of Sciences will present the findings of a study commissioned by the state, according to a news release. The report, Uranium Mining in Virginia, was released in December. It follows a debate over uranium mining that centers on a rich deposit at Coles Hill in Pittsylvania County. Although the deposit is in south-central Virginia, local leaders have worried that waste from mining there could travel downstream and contaminate drinking water in South Hampton Roads. Uranium is used as fuel in nuclear power plants, but environmentalists worry that mining the radioactive material would create a public safety threat. For 30 years, Virginia has banned mining the ore, but recently Virginia Uranium Inc. has lobbied the General Assembly to lift the ban. The company argues doing so would create jobs and boost the economy. In 302 pages, the report gives a technical analysis of Virginia geology, of the global market for uranium and regulations on mining. The report is available at [tinyurl.com/6ofcqot](http://tinyurl.com/6ofcqot).

Uranium briefing scheduled in Va. Beach VIRGINIA BEACH -- The National Academy of Sciences will hold a May 31 hearing in Virginia Beach to give a public briefing on its uranium mining report looking at Virginia. The NAS last December released a study assessing the prospect of mining in Virginia even as a private company seeks clearance to mine Pittsylvania County deposit rich in the ore used a fuel in nuclear power plants. The report concluded that health and environmental issues need to be addressed as the state considers whether to lift Virginia's 30-year mining moratorium.

## **CHARLOTTESVILLE DAILY PROGRESS**

Local officials learn about next phase of Chesapeake Bay cleanup What impact will the Environmental Protection Agency's plans for improving the water quality of the Chesapeake Bay have on localities in the Rivanna watershed? A variety of local environmental stakeholders gathered Monday afternoon to discuss this question at a discussion sponsored by the Thomas Jefferson Planning District Commission and the Rivanna River Basin Commission. "Our rivers, streams and creeks are all critical aspects of this," said Stephen Williams, executive director of the TJPDC. "It is hoped that our efforts to increase the quality in the Chesapeake Bay will also ultimately benefit us here at the local level, as the pollution that is flowing into our waterways is also reduced." The EPA has assigned a "pollution diet" to the bay, giving it a total maximum daily load of pollution from sediment, nitrogen and phosphorus runoff. This TMDL was determined by gathering pollution information from the localities within the Bay's watershed during the first phase of the Virginia Watershed Implementation Plan (WIP). James Davis-Martin, the Virginia Department of Conservation and Recreation's Chesapeake Bay TMDL coordinator, said that the next step in cleaning up the bay is to delegate authority to local governments. WIP Phase II takes the TMDL information gathered during the first phase and distributes it by watershed to allow localities to create their own implementation plans. "The goal is acceptable water quality in the Chesapeake Bay by 2025," Davis-Martin said.

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# MISCELLANEOUS

## **NPR**

Sick From Fracking? Doctors, Patients Seek Answers (Kay Allen had just started work, and everything seemed quiet at the Cornerstone Care community health clinic in Burgettstown, Pa. But things didn't stay quiet for long. "All the girls, they were yelling at me in the back, 'You gotta come out here quick. You gotta come out here quick,'" said Allen, 59, a nurse from Weirton, W.Va. Allen rushed out front and knew right away what all the yelling was about. The whole place reeked — like someone had spilled a giant bottle of nail polisher remover. "So I told everybody to get outside and

get fresh air. So we went outside. And Aggie said, 'Kay, I'm gonna be sick.' But before I get in, to get something for her to throw up in — she had to go over the railing," she said. Nothing like this had ever happened in the 20 years that Allen has been at the clinic. After about 45 minutes, she thought the coast was clear and took everyone back inside. "It was fine. But the next thing you know, they're calling me again. There was another gust. Well, the one girl, Miranda, she was sitting at the registration place, and you could tell she'd had too much of it. And Miranda got overcome by that and she passed out," she said.

## **CNN**

Blog: Potomac tops list of endangered rivers in US, group says The river that provides much of the drinking water to our nation's capital, the Potomac, tops the annual list of most endangered American waterways, according to a national conservation group. American Rivers said Tuesday that thanks to the Clean Water Act of 1972, the Potomac is in much better shape than it was 40 years ago, but the river still is threatened by pollution. "When members of Congress fill a glass of water or drink their morning coffee, that water comes from the Potomac River," said Bob Irvin, president of American Rivers, in a news release. "It's time to draw the clear connections between healthy rivers, drinking water, and public health in Washington, D.C., and in communities nationwide." Read the report The other nine rivers on the list are: the Green River (Wyoming, Utah and Colorado), the Chattahoochee River (Georgia), the Missouri River (nine states in the central United States), the Hoback River (Wyoming), the Grand River (Ohio), the South Fork Skykomish River (Washington), the Crystal River (Colorado), the Coal River (West Virginia) and the Kansas River (Kansas).

## **AMERICAN RIVERS**

Blog: Protecting Clean Water in the Potomac River If you live and work in the Washington, DC area, this year's number one Most Endangered River may hit closer to home than you might think. The Potomac River provides drinking water for over 5 million people in Maryland, Virginia, and the District. Enough so that the odds are pretty good that if you drank a glass of water, made a cup of coffee, or took a shower this morning, you were using water from the Potomac. The Potomac is our 'nation's river,' rich in a diversity of culture, history, and wildlife. It starts its journey to the ocean as a network of headwater streams in the mountains of West Virginia, and then flows 382 miles along fields and farmlands and through the Washington, DC metropolitan region until it eventually reaches the Chesapeake Bay. From the mountains to the Bay, it provides abundant opportunities for recreation and supports communities and businesses that rely on access to clean water. Thanks to the Clean Water Act, the Potomac has come a long way from when President Johnson called it a 'national disgrace' and the water was so polluted you needed a tetanus shot if you fell in. Today, however, the Potomac is still threatened by pollution from agricultural and urban runoff which will only get worse if Congress rolls back national clean water protections. Earning a grade of D from the University of Maryland a second year in a row, the health of the river is starting to backslide. If Congress weakens the Clean Water Act, our nation's river – and rivers across the country – are in danger of becoming health hazards, unsafe for drinking or recreation. We can't afford to go backwards.

## **BNA DAILY ENVIRONMENT REPORT**

EPA to Appeal Ruling Blocking Retroactive Veto of Dredge-and-Fill Permit The Obama administration continues the court fight for an EPA attempt to retroactively veto a dredge-and-fill permit for a mountaintop coal mine in West Virginia. The Justice Department says it will appeal to the U.S. Court of Appeals for the District of Columbia Circuit a district court opinion that said EPA had no authority under Section 404(c) of the Clean Water Act to modify a permit for the mine after the U.S. Army Corps of Engineers had granted the permit. Environmental groups welcome the move, while the mining industry says the lower court "made compelling arguments about EPA's cavalier attitude toward both the law and the process, and we hope the appeals court concurs."

EPA Questioned in Court on Lack of Comment on Diesel Engine Rule A federal judge presses EPA to explain why it did not provide for notice and comment on an interim final rule that allows Navistar Inc. to produce certain heavy-duty diesel engines that exceed nitrogen oxides limits if it pays nonconformance penalties. The agency maintains that it was not required to do so, based on the "good cause" exception in the Administrative Procedure Act, Michele Walter, a Justice Department attorney, tells the U.S. Court of Appeals for the District of Columbia Circuit during oral arguments. The exception applies if notice and comment is impracticable, unnecessary, or contrary to the public interest. EPA says all three criteria apply

## **WBNG-TV BINGHAMTON, NY**

Has the Dust Settled on Carter Road? (Video link) Dimock, PA (WBNG Binghamton) Years of claims over unsafe water are now challenged by test results. While residents in the Carter Road area of Dimock maintain that natural gas drilling tainted their wells, science is on the side of the gas company. The completion of water tests by the highest environmental agency in the land does not mean the dust has settled on Carter Road. "It leaves a very bad taste in my mouth," said Victoria Switzer, and that's not Dimock water." The Environmental Protection Agency says it is safe to drink. Cabot Oil & Gas, accused with a connection to contamination by neighbors, never admitted fault, and is pleased with the results. "Not only do they have our hard data, but they have the data collected in the field showing them that there is no imminent threat," said George Stark, spokesman for Cabot Oil & Gas. While these neighbors and the gas company may disagree on the EPA's conclusions, they hope the air in the community clears. "We want to live here," Switzer said. "We know that the gas industry is here to stay. We want to find a way to reach out to our neighbors. We probably have more in common than we don't." For the Carter Road residents who went through water deliveries, pipeline proposals, and three years of claims, "we're never going to stop asking them to do it safely," according to Switzer. "We're never going to stop saying there should be accountability for when mistakes are made. That's all we ask for from the gas industry." Switzer and others question the EPA results with other testing they have done. "It doesn't explain the high levels of sodium, it doesn't explain some of the items that we're seeing, in fact, I have more questions now than I did before EPA came out here." For Cabot, it believes one question is answered: "not only for this community but for the bigger region, does Marcellus Shale drilling unto itself cause a problem? I think what you're seeing is there's a determination and the understanding that it is not," Stark said. Litigation among several neighbors against Cabot Oil and Gas continues. Switzer hopes all sets of test results, from public and private surveyors, are introduced for a judge and jury to clear up.

## **NEW YORK TIMES**

EPA Appeals Coal Mine Ruling The Obama administration said Monday that it would appeal a federal judge's ruling that the Environmental Protection Agency illegally vetoed a major coal mining project in West Virginia. In a scathing decision in March, the United States District Court judge, Amy Berman Jackson, wrote that the E.P.A.'s unilateral decision in January 2011 to retroactively revoke the waste disposal permit for the Spruce No. 1 mine in Logan County, W.Va., overstepped the agency's authority. Her ruling paved the way for the mountaintop removal mining project covering 2,278 acres to go forward. E.P.A. officials indicated at the time they intended to contest the decision. A Justice Department spokesman said Monday that the government had filed a notice of appeal on Friday with the court but that he would have no further comment on the case. Judge Jackson said that the E.P.A.'s action in rescinding the permit was "a stunning power for an agency to arrogate to itself" that the law did not support. She said that the agency had resorted to "magical thinking" to justify its action. In taking the rare step of revoking the permit, granted in 2007 by the Bush administration, the E.P.A. said that the coal mining would do permanent damage to rivers, wildlife and communities. The project, owned by Arch Coal of St. Louis, would have buried 6.6 miles of streams under tons of mining waste. The agency said it was invoking its authority under the Clean Water Act to rescind the mine's permit from the Army Corps of Engineers, an action it had taken only twice in 40 years and never for a coal mine.

Blog: Q. and A.: The Most Endangered Rivers Five million Americans in four states and the District of Columbia drink water from the Potomac River. Yet according to the environmental group American Rivers, that water is at risk: in a report issued on Tuesday, it listed the Potomac as No. 1 on its annual list of the most endangered rivers. In listing the river, the group cited efforts under way in Congress to weaken federal legislation that prevented the Potomac from succumbing to the pollution that threatened it in the 1960s and 70s. Bob Irvin, president of American Rivers, said that the abundance of such legislative proposals prompted the group to emphasize threats to the Clean Water Act over all in drawing up this year's list. "There are measures in Congress that would roll back its protections and erase 40 years of progress, in the Potomac River and rivers and streams all over the country," he said. "Most Americans would be appalled at the idea that we are going to turn back the clock to a time when rivers were so polluted you couldn't touch them or they were on fire."

## **DISCOVERY NEWS**

Top Ten Most Troubled US Rivers Even though the Potomac is much cleaner than it used to be, pollution remains a

problem, according to the organization. The Nation's River is threatened by many of the same problems plaguing other waterways across the country, including natural gas drilling, new dam construction, and cutbacks in Congress for clean water legislation. With the annual list, American Rivers hopes to bring attention to efforts to protect and restore the country's clean water resources.